Case 1:07-cv-04344-AKH Document	1 Filed 03/20/2007 Page 1 of 11
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK  IN RE WORLD TRADE CENTER DISASTER SITE LITIGATION	21 MC 100 (AKH)
JAMES CALLAHAN AND CHRISTINA CALLAHAN	DOCKET NO.
Plaintiffs,  - against -  A RUSSO WRECKING, ET. AL.,	CHECK-OFF ("SHORT FORM") COMPLAINT RELATED TO THE MASTER COMPLAINT PLAINTIFF(S) DEMAND A TRIAL BY JURY
SEE ATTACHED RIDER,	
Defendants.	stein, United States District Judge, dated June 22,
2006, ("the Order"), Amended Master Complaints for	
NOTICE	OF ADOPTION
All headings and paragraphs in the Master C instant Plaintiff(s) as if fully set forth herein in add Plaintiff(s), which are listed below. These are marked and specific case information is set forth, as needed, b	I with an ' $\square$ '' if applicable to the instant Plaintiff(s),
Plaintiffs, JAMES CALLAHAN AND CHRIS WORBY GRONER EDELMAN & NAPOLI BERN, allege:	STINA CALLAHAN, by his/her/their attorneys LLP, complaining of Defendant(s), respectfully
I. PAR	RTIES

## A. PLAINTIFF(S)

1. and a citize	☑ Plaintiff, JAMES CALLAHAN (hereinafter the "Injured Plaintiff"), is an individuen of New York residing at 436 Scardsdale Road, Tuckahoe, NY 10707	ıal
	(OR)	
2.	Alternatively, \( \square\) is the of Decedent	
	, and brings this claim in his (her) capacity as of the Estate of	
	Please read this document carefully.	
	It is very important that you fill out each and every section of this document.	

Ca	ise 1:07-cv-04344-AKH Document	t 1 Filed 03/20/2007 Page 2 of 11
3. York residing Injured Plaint	g at 436 Scardsdale Road, Tuckahoe, NY tiff:  SPOUSE at all relevant times I JAMES CALLAHAN, and brinjuries sustained by her husba	inafter the "Derivative Plaintiff"), is a citizen of New 10707-, and has the following relationship to the nerein, is and has been lawfully married to Plaintiff ings this derivative action for her (his) loss due to the nd (his wife), Plaintiff JAMES CALLAHAN. Other:
4. Edison of Ne	In the period from 9/16/2001 to 11/30/w York, Inc. as a Senior Field Operator a	2001 the Injured Plaintiff worked for Consolidated at:
j	Please be as specific as possible when fi	lling in the following dates and locations
The World Trade Center Site Location(s) ( <i>i.e.</i> , building, quadrant, etc.)  From on or about _9/16/2001_ until _11/30/2001_; Approximately _12_ hours per day; for Approximately _45_ days total.  The New York City Medical Examiner's Office From on or about until, Approximately hours per day; for Approximately hours per day; for Approximately days total.		The Barge  From on or about; Approximately hours per day; for Approximately days total.
		□ Other:* For injured plaintiffs who worked at  Non-WTC Site building or location. The injured
		plaintiff worked at the address/location, for the dates alleged, for the hours per day, for the total days, and for the employer, as specified below:
☐ The Fresh From on or al Approximate Approximate	kills Landfill bout; ly hours per day; for ly days total.	From on or about until; Approximately hours per day; for Approximately days total; Name and Address of Non-WTC Site Building/Worksite:
	his information on a separate sheet of pa	pper if necessary. If more space is needed to specify ate sheet of paper with the information.
5.	Injured Plaintiff  ✓ Was exposed to and breathed rabove;	noxious fumes on all dates, at the site(s) indicated
	✓ Was exposed to and inhaled or dates at the site(s) indicated above;	ingested toxic substances and particulates on all
	✓ Was exposed to and absorbed the site(s) indicated above;	or touched toxic or caustic substances on all dates at
	✓ Other: Not yet determined	

6.

<ul> <li>U.S.C. § 40101, the issue of waiver is inapplicable.</li> <li>□ Made a claim to the Victim Compensation Fund that was denied. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 4 U.S.C. § 40101, the issue of waiver is inapplicable.</li> <li>□ Made a claim to the Victim Compensation Fund, that was subsequently withdraw by Ground-Zero Plaintiff. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.</li> <li>□ Made a claim to the Victim Compensation Fund that was granted. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 4</li> </ul>	Injured	l Plaintiff
<ul> <li>405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 4 U.S.C. § 40101, the issue of waiver is inapplicable.</li> <li>□ Made a claim to the Victim Compensation Fund, that was subsequently withdraw by Ground-Zero Plaintiff. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.</li> <li>□ Made a claim to the Victim Compensation Fund that was granted. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 4 U.S.C. § 40101, Ground Zero-Plaintiff has waived her/his right(s) to pursue any</li> </ul>	V	§405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49
<ul> <li>by Ground-Zero Plaintiff. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.</li> <li>□ Made a claim to the Victim Compensation Fund that was granted. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 4 U.S.C. § 40101, Ground Zero-Plaintiff has waived her/his right(s) to pursue any</li> </ul>		405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49
405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 4 U.S.C. § 40101, Ground Zero-Plaintiff has waived her/his right(s) to pursue any		
		405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, Ground Zero-Plaintiff has waived her/his right(s) to pursue any

#### B. DEFENDANT(S)

The following is a list of all Defendant(s) named in the Master Complaint. If checked, all paragraphs pertaining to that Defendant are deemed pleaded herein.

☑ THE CITY OF NEW YORK	☑ A RUSSO WRECKING
✓ A Notice of Claim was timely filed and	☑ ABM INDUSTRIES, INC.
served on 11/2/06 and	☑ ABM JANITORIAL NORTHEAST, INC.
☐ pursuant to General Municipal Law §50-	☑ AMEC CONSTRUCTION MANAGEMENT,
h the CITY held a hearing on(OR)	INC.
✓ The City has yet to hold a hearing as	✓ AMEC EARTH & ENVIRONMENTAL, INC.
required by General Municipal Law §50-h	☑ ANTHONY CORTESE SPECIALIZED
✓ More than thirty days have passed and	HAULING, LLC, INC.
the City has not adjusted the claim	✓ ATLANTIC HEYDT CORP
(OR)	☑ BECHTEL ASSOCIATES PROFESSIONAL
☐ An Order to Show Cause application to	CORPORATION
☐ deem Plaintiff's (Plaintiffs') Notice of	☑ BECHTEL CONSTRUCTION, INC.
Claim timely filed, or in the alternative to grant	☑ BECHTEL CORPORATION ☑ DECUTEL ENVIRONMENTAL INC.
Plaintiff(s) leave to file a late Notice of Claim	☑ BECHTEL ENVIRONMENTAL, INC.
Nunc Pro Tunc (for leave to file a late Notice of	☑ BERKEL & COMPANY, CONTRACTORS, INC.
Claim <i>Nunc Pro Tunc</i> ) has been filed and a	BIG APPLE WRECKING & CONSTRUCTION
determination	CORP
☐ is pending	□ BOVIS LEND LEASE, INC.
☐ Granting petition was made on	☑ BOVIS LEND LEASE, INC. ☑ BOVIS LEND LEASE LMB, INC.
☐ Denying petition was made on	☑ BREEZE CARTING CORP
	☑ BREEZE NATIONAL, INC.
☑ PORT AUTHORITY OF NEW YORK AND	☑ BRER-FOUR TRANSPORTATION CORP.
NEW JERSEY ["PORT AUTHORITY"]	☑ BURO HAPPOLD CONSULTING ENGINEERS,
✓ A Notice of Claim was filed and served	P.C.
pursuant to Chapter 179, §7 of The	☑ C.B. CONTRACTING CORP
Unconsolidated Laws of the State of New	☑ CANRON CONSTRUCTION CORP
York on 11/2/06	☐ CONSOLIDATED EDISON COMPANY OF
✓ More than sixty days have elapsed since	NEW YORK, INC.
the Notice of Claim was filed, (and)	☑ CORD CONTRACTING CO., INC
☐ the PORT AUTHORITY has	☐ CRAIG TEST BORING COMPANY INC.
adjusted this claim	☑ DAKOTA DEMO-TECH
✓ the PORT AUTHORITY has not	☑ DIAMOND POINT EXCAVATING CORP
adjusted this claim.	☑ DIEGO CONSTRUCTION, INC.
=======================================	☑ DIVERSIFIED CARTING, INC.
□ 1 WORLD TRADE CENTER, LLC	✓ DMT ENTERPRISE, INC.
□ 1 WTC HOLDINGS, LLC	☑ D'ONOFRIO GENERAL CONTRACTORS
☐ 2 WORLD TRADE CENTER, LLC	CORP
☐ 2 WTC HOLDINGS, LLC	☑ EAGLE LEASING & INDUSTRIAL SUPPLY ☑ EAGLE ONE ROOFING CONTRACTORS INC.
☐ 4 WORLD TRADE CENTER, LLC	☐ EAGLE SCAFFOLDING CO, INC.
☐ 4 WTC HOLDINGS, LLC	☑ EAGLE SCAFFOLDING CO, INC. ☑ EJ DAVIES, INC.
☐ 5 WORLD TRADE CENTER, LLC	☑ EJ DAVIES, INC. ☑ EN-TECH CORP
☐ 5 WTC HOLDINGS, LLC	□ ET ENVIRONMENTAL
☐ 7 WORLD TRADE COMPANY, L.P.	□EVANS ENVIRONMENTAL
	<u> </u>

Please read this document carefully.

It is very important that you fill out each and every section of this document.

☑ ROBERT L GEROSA, INC

✓ RODAR ENTERPRISES, INC.

☑ ROYAL GM INC.

☑ SAB TRUCKING INC.

✓ SAFEWAY ENVIRONMENTAL CORP

☑ SEASONS INDUSTRIAL CONTRACTING

☑ YANNUZZI & SONS INC

☑ WSP CANTOR SEINUK GROUP

✓ YONKERS CONTRACTING COMPANY, INC.

✓ YORK HUNTER CONSTRUCTION, LLC

☑ ZIEGENFUSS DRILLING, INC.

☐ OTHER:

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## 

☐ Non-WTC Site Building Owner	☐ Non-WTC Site Building Managing Agent
Name:	Name:
Business/Service Address:	
Building/Worksite Address:	Building/Worksite Address:
☐ Non-WTC Site Lessee	· ·
Name:	
Business/Service Address:	
Building/Worksite Address:	

#### Filed 03/20/2007 Page 7 of 11 Case 1:07-cv-04344-AKH Document 1 II. JURISDICTION

The Court's jurisdiction over the subject matter of this action is:

	ounded upon Federal Question Jurisdiction; spelization Act of 2001, (or); ☐ Federal Officers J; ☑ Contested, b	Tur isd	
remo	val jurisdiction over this action, pursuant to 28		
	III CAUSES	S OF	ACTION
of lial	Plaintiff(s) seeks damages against the above bility, and asserts each element necessary to establish the second se		d defendants based upon the following theories a such a claim under the applicable substantive
<b>V</b>	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law(s) including §§ 200 and 240	<b>V</b>	Common Law Negligence, including allegations of Fraud and Misrepresentation
V	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law 241(6)		<ul> <li>✓ Air Quality;</li> <li>✓ Effectiveness of Mask Provided;</li> <li>✓ Effectiveness of Other Safety Equipment Provided</li> </ul>
V	Pursuant to New York General Municipal Law §205-a		(specify:);  ✓ Other(specify): Not yet determined
<b>V</b>	Pursuant to New York General Municipal Law §205-e		Wrongful Death
		V	Loss of Services/Loss of Consortium for Derivative Plaintiff
			Other:

# Case 1:07-cv-04344-AKH Document 1 Filed 03/20/2007 Page 8 of 11 IV CAUSATION, INJURY AND DAMAGE

1. As a direct and proximate result of defendant's culpable actions in the rescue and/or recovery and/or construction, renovation, alteration, demolition and all work performed at the premises, the Injured Plaintiff sustained (including, but not limited to) the following injuries:

	Cancer Injury: N/A.  Date of onset:  Date physician first connected this injury to  WTC work:	<b>V</b>	Cardiovascular Injury: <u>Cardiac Problems</u> Date of onset: <u>2/28/2005</u> Date physician first connected this injury to WTC work: <u>To be supplied at a later date</u>
	Respiratory Injury: Asthma; Chronic Bronchitis; Chronic Rhinitis; Chronic Sinusitis; Lung Problems; RADS; Respiratory Problems; Shortness of Breath; Sinus Problems; and Wheezing Date of onset: 2/28/2005 Date physician first connected this injury to WTC work: To be supplied at a later date		Fear of Cancer Date of onset: 2/28/2005 Date physician first connected this injury to WTC work: To be supplied at a later date
<b>V</b>	Digestive Injury: GERD; and Heartburn/acid reflux/GERD Date of onset: To be supplied at a later date Date physician first connected this injury to WTC work: 2/28/2005	<b>V</b>	Other Injury: Anxiety; Depression; Eye and/or Ear Problems; Fatigue; and Headaches, Dizziness, Migraines Date of onset: 2/28/2005 Date physician first connected this injury to WTC work: To be supplied at a later date

*NOTE:* The foregoing is *NOT* an exhaustive list of injuries that may be alleged.

2. As a direct and proximate result of the injuries identified in paragraph "1", above, the Ground Zero-Plaintiff has in the past suffered and/or will in the future suffer the following compensable damages:

 $\checkmark$ ✓ Mental anguish Pain and suffering **☑** Disability  $\checkmark$ ✓ Medical monitoring Loss of the enjoyment of life ✓ Other: Not yet determined.  $\checkmark$ Loss of earnings and/or impairment of earning capacity  $\checkmark$ Loss of retirement benefits/diminution of retirement benefits  $\checkmark$ Expenses for medical care, treatment, and rehabilitation  $\checkmark$ Other:

3. As a direct and proximate result of the injuries described *supra*, the derivative plaintiff(s), if any, have in the past suffered and/or will in the future suffer a loss of the love, society, companionship, services, affection, and support of the plaintiff and such other losses, injuries and damages for which compensation is legally appropriate.

**WHEREFORE**, plaintiff(s) respectfully pray that the Court enter judgment in his/her/their favor and against defendant(s) for damages, costs of suit and such other, further and different relief as may be just and appropriate.

Plaintiff(s) demands that all issues of fact in this case be tried before a properly empanelled jury.

Dated: New York, New York March 5, 2007

Yours, etc.,

Callahan

Worby, Groner Edelman & Napoli Bern, LLP

Attorneys for Plaintiff(s), James Callahan and Christina

By:

Christopher R. LoPalo (CL 6466)

115 Broadway

12<sup>th</sup> Floor

New York, New York 10006

Phone: (212) 267-3700

ATTORNEY VERIFICATION

CHRISTOPHER R. LOPALO, an attorney at law, duly admitted to practice in the Courts of the State of New York, affirms under the penalties of

He is the attorney for the plaintiff(s) in the above-entitled action.

That he has read the foregoing SUMMONS AND VERIFIED COMPLAINT and knows

the contents thereof, and upon information and belief, deponent believes

the matters alleged therein to be true.

The reason this Verification is made by deponent and not by the plaintiff(s) is that the plaintiff(s) herein reside(s) in a county other than the one in which the plaintiff's attorneys maintain their office.

The source of deponent's information and the grounds of his belief are communication, papers, reports and investigation contained in the file.

DATED: New York, New York
March 5, 2007

perjury that:

CHRISTOPHER R. LOPALO

Docket	No:  UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK
	JAMES CALLAHAN (AND WIFE, CHRISTINA CALLAHAN),
	Plaintiff(s) - against -
	A RUSSO WRECKING, ET. AL.,
	Defendant(s).
===:	SUMMONS AND VERIFIED COMPLAINT
	WORBY GRONER EDELMAN & NAPOLI BERN, LLP  Attorneys for: Plaintiff(s)  Office and Post Office Address, Telephone  115 Broadway - 12th Floor  New York, New York 10006  (212) 267-3700
	To Attorney(s) for
	Service of a copy of the within is hereby admitted.  Dated,
	Attorney(s) for
===:	PLEASE TAKE NOTICE:
	□ NOTICE OF ENTRY  that the within is a (certified) true copy of an duly entered in the office of the clerk of the within named court on20
	□ NOTICE OF SETTLEMENT  that an order of which the within is a true copy will be presented for settlement to the HON. one of the judges of the within named Court, at on 20 at M.  Dated,  Yours, etc.,  WORBY GRONER EDELMAN & NAPOLI BERN, LLP